

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

FREMONT INVESTMENT & LOAN,

Plaintiff,

v

Case No. 07-cv-11113

EDWARD TOBEY; LOAN MAX, INC.;  
GEORGE ZIVAN; and EDWARD J.  
NADER, JR., All Jointly and Severally,

HON. LAWRENCE P. ZATKOFF

MAGISTRATE JUDGE MONA MAJZOUB

Defendants.

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**STIPULATION TO ENTER PROTECTIVE ORDER**

Plaintiff Fremont Investment & Loan ("Fremont"), Defendant Edward J. Nader, Jr. ("Nader"), Defendant Edward Tobey ("Tobey"), Defendant Loan Max, Inc. ("Loan Max") and Defendant George Zivan ("Zivan") (collectively, the "Parties") stipulate *in pro per* or through their respective counsel to entry of a Protective Order regarding discovery proceedings in this matter and the preservation of Confidential Information (as defined in the attached proposed Protective Order).

s/ Natalie C. Najarian  
Demorest Law Firm, PLLC  
PC  
Attorneys for Plaintiff  
555 S. Old Woodward Avenue, Suite 21U  
Birmingham, Michigan 48009-6614  
248-723-5500  
[natalie@demolaw.net](mailto:natalie@demolaw.net)  
Attorney Bar No. P67614

s/ David C. Anderson (with permission)  
Collins Einhorn Farrell & Ulanoff,

Attorneys for Defendant Nader  
4000 Town Center, Suite 909  
Southfield, Michigan 48075  
248-355-4141  
[david.anderson@ceflawyers.com](mailto:david.anderson@ceflawyers.com)  
Attorney Bar No. P55258

s/ Edward Tobey (with permission)

EDWARD TOBEY

s/ Paul S. Clark (with permission)

Clark & Schoenbeck, P.C.

Defendant *In Pro Per*  
106 West Street, Apt. 16  
Kalkaska, Michigan 49646

Attorneys for Defendants Loan Max &  
Zivan  
335 E. Nine Mile Road  
Hazel Park, Michigan 48030  
248-543-7776  
[pclark@cs-law.net](mailto:pclark@cs-law.net)  
Attorney Bar No. P39164

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HON. LAWRENCE P. ZATKOFF

MAGISTRATE JUDGE MONA MAJZOUB

Defendants.

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**PROTECTIVE ORDER**

At a session of said Court, held in the City of Port  
Huron, County of St. Clair, State of Michigan on  
March 17, 2008

PRESENT: HON. Lawrence P. Zatkoff  
U.S. District Court Judge

Plaintiff Fremont Investment & Loan ("Fremont"), Defendant Edward J. Nader, Jr. ("Nader"), Edward Tobey ("Tobey"), Defendant Loan Max, Inc. ("Loan Max") and Defendant George Zivan ("Zivan") (collectively, the "Parties") in the above-captioned action, having stipulated *in pro per* or through their respective counsel to entry of this Protective Order regarding discovery proceedings in this matter and the preservation of Confidential Information (as defined below); and the Court being fully advised;

IT IS HEREBY ORDERED that all information or records, which have been or will be produced in the discovery responses to any Party in this matter, including Fremont Investment & Loan's 2005 Underwriting Guidelines, Nader's appraisal materials, Zivan's personal and business records or information, and Loan Max's business records or information, some of which were previously produced, and any and all other information which any party, in good faith, designates as confidential (the "Confidential Information"), shall be treated as confidential by all Parties and their attorneys, who shall not disclose any such Confidential Information except as specifically permitted by the terms of this Protective Order.

IT IS HEREBY FURTHER ORDERED that the Parties, and their attorneys, shall use the Confidential Information solely for the purposes of preparation for and trial of the above-captioned case. The Confidential Information shall not be disclosed to any third party except for use in a deposition, motion, case evaluation, trial or other proceeding in this case.

IT IS HEREBY FURTHER ORDERED that the terms of this Protective Order shall not affect the admissibility or inadmissibility of any Confidential Information into evidence in the above-captioned action.

IT IS HEREBY FURTHER ORDERED that nothing herein shall prevent the Parties, or their attorneys, from disclosing Confidential Information to experts or consultants assisting either Parties' counsel in the preparation of this case for trial, or in the conduct of trial, provided that prior to any such disclosure or exhibition, counsel shall first present a copy of this Protective Order to any such persons. All such persons shall be bound by the

terms of this Protective Order, and shall not disclose any Confidential Information except as specifically permitted by the terms of this Protective Order.

IT IS HEREBY FURTHER ORDERED that upon the conclusion of this litigation, all originals and copies of Confidential Information, including all materials that have been distributed to experts or consultants, shall be promptly destroyed or returned to the appropriate Party.

s/Lawrence P. Zatkoff  
LAWRENCE P. ZATKOFF  
UNITED STATES DISTRICT JUDGE

Dated: March 17, 2008

#### CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on March 17, 2008.

s/Marie E. Verlinde  
Case Manager  
(810) 984-3290